



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

October 18, 2024

**By ECF**

Hon. Stewart D. Aaron  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Burton, et al. v. United States of America, et al.*, No. 18 Civ. 2039 (JHR) (SDA)

Dear Judge Aaron:

This Office represents the remaining defendants (the “Government”)<sup>1</sup> in this case, which arises from the death of Franklin Sanchez, a Colombian national who died while in custody at the MCC in March 2015. The case is before Your Honor for all general pretrial matters. We respectfully submit this joint letter, on behalf of all parties, to provide an update on the status of discovery pursuant to the Court’s August 20, 2024, Order. ECF No. 168.

Since the Court’s August 10, 2024, Order extending fact discovery for the purpose of permitting Plaintiffs to take the depositions of two BOP employees and two former employees, ECF No. 166, those four employees have all been deposed. As the Court is aware, fact discovery was recently extended, at the parties’ request, to November 8, 2024, “for the limited purpose of continuing the deposition of plaintiff Magda Liliana Acosta.” ECF No. 170. The parties still anticipate having that deposition completed by that date. Further, as noted in the parties’ joint October 10, 2024, letter, ECF No. 170, defendant Terrance Thomas is reviewing certain portions of his testimony that could not be certified and will provide uncaptured testimony via an errata sheet, and Plaintiffs have served the letters rogatory issued by this Court on the relevant authority in Mexico on August 16, 2024, but have not yet received a response.

We thank the Court for its attention to this matter.

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<sup>1</sup> Specifically, this Office represents defendant the United States of America, which is sued under the Federal Tort Claims Act, and defendants Anthony Bussanich, Robert Beaudouin, Ysmael Joaquin, Kimberly Shivers, Lorenzo Barazza, Gerald Castillo, Wilson Silva, Quentin Holzendorf, Terrance Thomas, Rosalind Silvia, and Shaadiq Shakir, who are current or former employees of the Bureau of Prisons sued in their individual capacity under *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971).

Respectfully,

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Southern District of New York

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